IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION Nos.20947 of 2006

Between:

M.Sreedhar.

..... PETITIONER

AND

The Deputy Commercial Tax Officer-III,
O/o the Commercial tax Officer-I,
Ananthapur.

.....RESPONDENT

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.20947 of 2006

Order: ***(Per Hon'ble Sri Justice Bilal Nazki)***

Petitioner is the owner of a goods vehicle and while he was transporting refined palmolein oil in the

said vehicle from Kakinada to Anantapur, it was intercepted by the respondent-authorities and the petitioner was instructed to hand over
1615 kgs of oil to the respondent by virtue of an order dated
05-10-2006. The petitioner is aggrieved of this order on the ground that the person, who had booked the vehicle for transportation of oil, was not prepared to take the remaining oil from him.

We do not find any case in favour of the petitioner
which would enable us to interfere in the matter, because, if any order is passed, that would amount to releasing of the vehicle along with the oil it was carrying. The question as to whether the respondent-authorities are entitled to demand tax for the oil or retain 1615 kgs of oil, is yet to be decided. In any case, the respondent-authorities have not detained the vehicle and it is clear from the telegram dated 05-10-2006 itself. If the petitioner delivers 1615 kgs of oil to the respondent, he will be able to take not only the vehicle but also the remaining oil.

Therefore, the Writ Petition is misconceived and the same is accordingly dismissed. No costs.

(Bilal Nazki, J)

11th October, 2006

(Nooty Ramamohana Rao, J)

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